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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,292	07/30/2003	Dennis Ray Wilson	18326/04801	9723

7590 11/17/2004

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EXAMINER

NEUDER, WILLIAM P

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,292

Applicant(s)

WILSON, DENNIS RAY

ST

Examiner

William P Neuder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-15 and 18 is/are rejected.
- 7) ☒ Claim(s) 9, 16, 17 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/2/04, 11/19/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Gregston (3472611).

Gregston discloses a method of delivering a treatment chemical down a wellbore. A treatment chemical is applied or placed into receptacle 140 of free falling plunger 14. The plunger is dropped into the well and falls until it contacts a lower stop 18. The plunger is then caused to be raised back to the surface by the gas pressure. As to claim 2, chemical tank 24 is used in conjunction with the apparatus of figure 2 to reapply or place more chemical into the plunger 14. As to claim 3, plunger 14 is for use in plunger lift production and the chemical is deposited into chamber 140 of the plunger. As to claim 4, the plunger has a body 90 defining the chamber 140 for receipt of the chemical. The plunger has a sealing member 95 on the outside of the body for sealing against the inside of the well so that the plunger can lift the fluids trapped above it. An opening is defined in the bottom of the body/chamber that is operated by valve 122. As to claim 5, threaded attachment means 109 are defined on the body. As to claim 6, body 90 is attached to a head member by the threads and the body has an upper port controlled by valve 102. As to claim 7, valve members 102 and 120 control the upper

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and lower openings. As to claim 8, the plunger is an elongate member and the chemical chamber is formed in the lower part of the plunger. The upper head section is considered an interface section. As to claim 10, chamber 140 is a receptacle. As to claim 11, figures 1 and 2 show the apparatus for charging the chamber 140 with chemical. Delivery conduit 26 delivers chemical from the tank 24 to the chamber 140. Contact of plunger 14 with bumper pad 68 causes connection of applicator 62 with the delivery opening controlled by valve 102. The bumper pad and actuator acts as a catch for the plunger. As to claim 12, tank 24 stores the chemical. As to claim 13, valve 40 is connected to delivery conduit 26. As to claim 14, valve 122 controls the lower port. As to claim 15, section 80 is considered a standoff section since standoff has no particular meaning other than a length of conduit or pipe. As to claim 18, chamber 140 is connected to the plunger 14.

Allowable Subject Matter

Claims 9,16,17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P Neuder whose telephone number is 703-308-2150. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William P Neuder
Primary Examiner
Art Unit 3672

W.P.N.